

Appl. No. 10/781370
Reply to Office action of 9/14/05
Page 4

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Claims 1 and 2 are amended. Claims 3 and 6-8 are cancelled. Claims 1-2 and 4-5 are pending. Reconsideration and reexamination of the application, as amended are requested.

The Examiner objected to claims 1 and 3 because of informalities. Claim 1 has been amended such that the informality has been deleted. Claim 3 has been cancelled.

The Examiner objected to the drawings by indicating that not every feature of the invention as claimed in claim 3 was shown in the drawings. Claim 3 has been cancelled, without prejudice. Applicant disagrees that not every feature was shown, but the objection is moot.

The Examiner rejected claim 3 under 35 USC 112, second paragraph as being indefinite. The rejection is moot.

The Examiner rejected claims 1-4 under 35 USC 102(b) as being anticipated by Yamaguchi.

Claim 1 has been amended. Among the amendments, lower joining portions are claimed as being formed in an upper end portion of the cylinder block near the contact surface between the cylinder head and the cylinder block. The lower joining portions have a front side joining portion formed in an upper portion of a front end of the cylinder block and a rear side joining portion formed in an upper portion of a rear end of the cylinder block. The rear side joining portion is higher than the front side joining portion because of the engine tilt. Yamaguchi does not disclose lower joining portions such that a front side joining portion is formed in an upper portion of a front end of the cylinder block and such that a rear side joining portion is formed in an upper portion of a rear end of the cylinder block. Rather, Yamaguchi discloses the front frame having a front side joining portion attached to a bracket extending forwardly of the engine and a rear side joining portion attached near the longitudinal center of the cylinder block. That is, Yamaguchi does not disclose front side and rear side joining portions as required by claim 1. Hence, claim 1 is not anticipated. Further, the motorcycle, as a result of these

Appl. No. 10/781370
Reply to Office action of 9/14/05
Page 5

differences, has a shorter front frame and an engine reduced in weight. These are non-trivial advantages. The limitations of claim 1 are possible because the engine tilts forward in the motorcycle so that the contact surface between the cylinder head and the cylinder block tilts downward. This is not the case in Yamaguchi. Accordingly, claim 1 and the claims which depend from it are not only not anticipated by Yamaguchi but are also non-obvious there over.

Bases for the amendment to claim 1 is found on page 5, lines 3-11.

The Examiner rejected claims 5-8 under 35 USC 103(a) as being obvious on consideration of Yamaguchi in view of Adachi et al. Claims 6-8 have been canceled. Claim 5 depends from claim 1 and need not be further distinguished at this time. Applicant, however, does not acquiesce in the independent rejection of claim 5.

In view of the above, it is submitted that the application is in condition for allowance and an early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. 29,165, at (612)455-3802.



Dated: December 13, 2005

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &
LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0903
(612) 455-3800

By: Curtis B. Hamre
Curtis B. Hamre
Reg. No. 29,165
CBH/lad